IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 470 of 2007 (M/B)

1. Chandra Pal s/o Sri Hulasi,
   r/o Singh Colony, Rudrapur,
   District Udham Singh Nagar.
2. Smt. Lokeshwari Devi w/o Chandra Pal,
   R/o Singh Colony, Rudrapur,
   Distict Udham Singh Nagar.
3. Arvind Kumar s/o Chandra Pal,
   R/o Singh Colony, Rudrapur,
   District Udham Singh Nagar.
4. Arjun s/o Chandra Pal,
   R/o Singh Colony, Rudrapur,
5. Satyapal s/o Bhoop Chandra
   Presently posted as Assistant Teacher,
   Purva Madhyamik Vidhyalaya,Sahgarh,
   Pilibhit, District Pilibhit.
6. Smt. Uma Devi w/o Arvind Kumar
   R/o Singh Colony, Rudrapur,
   District Udham Singh Nagar. …. Petitioners

Versus

1. State of Uttarakhand through S.S.P.
   Udham Singh Nagar.
2. S.H.O. P.S.Kashipur.
3. Kailash Singh s/o Nenha Singh
   R/o Teacher Colony, Dhampur,
   District Bijnore (U.P.) ….. Respondents

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Smt. Pushpa Joshi, Advocate for the petitioners.
Sri G.S.Sandhu, Government Advocate for respondents 1 & 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Smt. Pushpa Joshi, Advocate for the petitioners.

Sri G.S. Sandhu, Government Advocate for respondents 1 and 2.

They are heard on admission.

2. Petitioners have filed this writ petition for the following reliefs:

> "i) Issue a writ, order or direction in the nature of certiorari quashing the First Information Report dated 21.04.2007, in Case Crime No. 87 of 2007 U/s 304-B, IPC P.S. Ranipur, District Haridwar.
>
> (ii) Issuer a writ, order or direction in the nature of mandamus directing the respondents not to arrest the petitioners in Case Crime No. 87 of 2007 U/s 304-B , IPC P.S. Ranipur, District Haridwar.
>
> (iii) Issue any other appropriate writ, order, or direction which this Hon'ble Court deems fit and proper under the circumstances of the case.
>
> (iv) Award cost of the petition."

3. The petitioners are seeking quashing of the First Information Report lodged by respondent no. 3 Kailash Singh leading to registration of the case against the petitioners at Crime No. 87 of 2007 registered at Police Station Ranipur, District Haridwar for the alleged commission of the offence punishable U/s 304-B I.P.C.

4. Deceased Neelam d/o respondent no. 3 Kailash Singh was married to petitioners' co accused Arun Kumar on 13.02.2007. She died an unnatural death on account of handing on 21.04.2007 at her husband's house/matrimonial house. The First Information Report contains specific allegations against the accused persons in regard to demand of dowry and resultant harassment of Neelam by the accused persons.

5. On due consideration of the submissions of the learned counsel for the parties; the contents of the First Information Report lodged by respondent no. 3 Kailash Singh; the fact that Neelam died an unnatural death at her husband's house/matrimonial house within a period of three months of her marriage, we are of the opinion that no case warranting quashing of the First Information Report and the case registered against the petitioners in view of the dictum of the Apex Court in the case of **T. Vengama Naidu Vs. T. Dora Swamy Naidu and others** reported in

JT 2007(4)SC 240, is made out as the allegations in the F.I.R., *prima facie*, make out a case against the accused persons for the offences alleged against them.

6. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

(J.C.S.Rawat, J.) **(Rajeev Gupta, C. J.)**

01.05.2007 01.05.2007

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